

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

<b>ZACHARY ROWELL, as Special</b>	)	
<b>Administrator in the matter of the estate</b>	)	
<b>of Marvin A. Rowell, and individually,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>Case No. CIV-18-125-RAW</b>
	)	
<b>BOARD OF COUNTY</b>	)	
<b>COMMISSIONERS OF MUSKOGEE</b>	)	
<b>COUNTY, OKLAHOMA, et al.,</b>	)	
	)	
	)	
	)	
	)	
	)	
Defendants.	)	

**ORDER**

Before the court is the motion of defendant Board of County Commissioners of Muskogee County for summary judgment. This lawsuit commenced in the District Court for Muskogee County. The case was removed to this court by defendant on April 20, 2018. Plaintiff Zachary Rowell (“Zachary”) filed a third amended complaint (#45) on July 18, 2018.

Plaintiff brings a claim against the Board pursuant to 42 U.S.C. §1983 and a state-law claim pursuant to Art. 2, §30 of the Oklahoma Constitution. In a companion order, the court described the factual record and granted the motion for summary judgment of defendant Dakota West. The court found that, even viewing the record in the light most

favorable to the plaintiff, West did not commit a constitutional violation. Accordingly, the §1983 claim against the Board necessarily fails. *See Burke v. Regalado*, 935 F.3d 960, 1010 (10<sup>th</sup> Cir.2019)(citing *Martinez v. Beggs*, 563 F.3d 1082 (10<sup>th</sup> Cir.2009)).

Accordingly, only a state-law claim remains pending against the Board. “When all federal claims have been dismissed, the court may, and usually should, decline to exercise jurisdiction over any remaining state claims.” *Smith v. City of Enid*, 149 F.3d 1151, 1156 (10<sup>th</sup> Cir.1998). *See* 28 U.S.C. §1367(c)(3). As this case was removed from state court, the state-law claim will be remanded.

It is the order of the court that the motion for summary judgment of defendant Muskogee Board of County Commissioners (#85) is hereby granted in part. Plaintiff’s federal claim is dismissed. Plaintiff’s state-law claim is remanded to the District Court for Muskogee County, State of Oklahoma. All other pending motions are deemed moot.

**IT IS SO ORDERED** this 22<sup>nd</sup> day of OCTOBER, 2019.

A handwritten signature in cursive script, reading "Ronald A. White".

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**RONALD A. WHITE**  
**UNITED STATES DISTRICT JUDGE**